

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

376E0042

HOUSE BILL NO. 1005

Introduced by: Representatives Konold, Fryslie, Hanson (Gary), and Lintz and Senators Symens, Diedtrich (Elmer), Drake, and Vitter at the request of the Interim Agriculture and Natural Resources Committee

1 FOR AN ACT ENTITLED, An Act to prohibit hunting on public waters within six hundred sixty
2 feet of an occupied dwelling, church, schoolhouse, or livestock without written permission
3 from the adjoining landowner.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 41-9-1.1 be amended to read as follows:

6 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,
7 unimproved section lines not commonly used as public rights-of-way, and highways within parks
8 or recreation areas or within or adjoining public shooting areas or game refuges posted for
9 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and
10 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways, public waters, or
11 other public rights-of-way within this state that meet the requirements of § 41-9-1.3. No person,
12 except the adjoining landowner or any person receiving written permission from the adjoining
13 landowner, may use such highways, public waters, or rights-of-way for the purposes of hunting,
14 as defined in this title, within six hundred sixty feet of an occupied dwelling, a church,

1 schoolhouse, or livestock. No person, except the adjoining landowner or any person receiving
2 written permission from the adjoining landowner, may use such highways or rights-of-way for
3 the purpose of trapping within six hundred sixty feet of an occupied dwelling, church, or
4 schoolhouse. A violation of this section is a Class 2 misdemeanor. If any person is convicted of
5 knowingly discharging a firearm within six hundred sixty feet of any occupied dwelling, church,
6 or schoolhouse for which such distance has been clearly and accurately marked and posted, the
7 court shall, in addition to any other penalty, revoke the person's hunting privileges for a period
8 of one year from the date of conviction.